

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.2432 OF 1983

WITH

SPECIAL CIVIL APPLICATION NO.3460 OF 1983

WITH

SPECIAL CIVIL APPLICATION NO.3502 OF 1983

For Approval and Signature

The Hon'ble Mr. Justice S.K. KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
  2. To be referred to the reporters or not ?
  3. Whether their lordships wish to see the fair copy of the judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
  5. Whether it is to be circulated to the Civil Judge?

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PARMAR BHARATKUMAR M  
VERSUS  
STATE OF GUJARAT

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Appearance:

(In all SCAs:)

MS SEJAL SUTARIA, FOR MR VH DESAI for Petitioners  
MS SIDDHI TALATI for Respondents

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Coram: S.K. Keshote,J  
Date of decision:3.10.97

C.A.V. JUDGMENT

#. In all these Special Civil Applications, identical issue has been raised and as such, the same are being taken for hearing together and are being disposed of by this common order.

#. The petitioners, class IV employees, viz. Peons in the office of the Inspector of Land Records, Dhangadhra District Surendranagar, filed these Special Civil Applications and prayer has been made for directions to the respondents to give them appointment permanently and further to direct the respondents not to terminate their services for four months.

#. From the facts of this case, it appears that the petitioners are given seasonal appointment and during the monsoon period, their services are terminated for four to five months. So the petitioners are given work only for seven to eight months in a year and for rest of the months, they are denied their salary.

#. The learned counsel for the respondents contended that as no work is there for these persons during the monsoon, their services are terminated. However, it is understandable that at the initial stage, for some reasonable time, this arrangement is continued, but for all the time to come it is highly unfair and unjustified to give only seasonal employment to this class of persons and that too, for all the time. After a reasonable time, this class of persons have to be taken in regular employment. From the statement which has been filed by petitioners, it comes out that many of them are working from 1971-73 or 1975-77 or 1980-83. So on the date on which they have filed these Special Civil Applications, many of them were in service for more than twelve years. Continuation of these persons in such capacity has manifold repercussions inclusive of deprivation of salary for four to five months. For this class of persons, deprivation of salary for four to five months is a handsome amount and further despite of serving for years, on attaining the age of superannuation, they are likely to go without any pension or retirement benefits. Under whatever arrangement the respondents were continuing

these petitioners, till they filed these Special Civil Applications, only on temporary basis is hardly of any substance now as for the last more than fourteen years all these persons are regularly working as class IV employees without there being any break.

#. In these facts and circumstances, interest of justice will be met in case these Special Civil Applications are disposed of with directions to the respondent, the Secretary, Revenue Department, Sachivalaya, Gandhinagar, to consider the cases of these petitioners of their regularization of services, i.e. to give them regular and permanent appointment so that they may not suffer any break in services for about four to five months in a year as well as they may not be deprived of retirement benefits on reaching the age of superannuation. Till this matter is decided, the interim relief granted by this Court shall continue. In case the claim of the petitioners are not acceptable by respondent No.1, a reasoned order may be passed and a copy of the same may be sent to the petitioners by registered post. In case of difficulty, liberty is granted to the petitioners for revival of these Special Civil Applications.

#. The Special Civil Applications as well as Rule in each petition stand disposed of in aforesaid terms with no order as to costs.

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(sunil)